

Panaji, 4th July, 1996 (Ashada 13, 1918)

SERIES I No. 14

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

### GOVERNMENT OF GOA

Department of Law and Judiciary

Legal Affairs Division

#### Notification

10/5/96/LA

The Coal Mines Provident Fund and Miscellaneous Provisions (Amendment) Ordinance, 1996 (Ordinance No. 12 of 1996) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 26th March, 1996 is hereby published for the general information of the public.

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 16th April, 1996.

### MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 26th March, 1996/Chaitra 6, 1918 (Saka)

#### THE COAL MINES PROVIDENT FUND AND MISCELLANEOUS PROVISIONS (AMENDMENT) ORDINANCE, 1996

No. 12 of 1996

Promulgated by the President in the Forty-seventh Year of the Republic of India.

An Ordinance further to amend the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948.

Whereas the Coal Mines Provident Fund and Miscellaneous Provisions (Amendment) Bill, 1995 has been introduced in Parliament but has not yet been passed;

And Whereas for giving effect to the provisions of the said Bill, the Coal Mines Provident Fund and Miscellaneous Provisions (Amendment) Ordinance, 1996 was promulgated by the President on the 5th day of January, 1996;

And Whereas the said Bill for replacing the said Ordinance has not yet been passed

And Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give continued effect to the provisions of the said Ordinance;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*— (1) This Ordinance may be called the Coal Mines Provident Fund and Miscellaneous Provisions (Amendment) Second Ordinance, 1996.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of long title of Act 46 of 1948.*— In the long title to the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (hereinafter referred to as the principal Act), for the words "Family Pension Scheme", the words "Pension Scheme" shall be substituted.

3. *Amendment of section 2.*— In section 2 of the principal Act,—

(a) clause (ee) shall be omitted.

(b) after clause (g), the following clauses shall be inserted, namely:—

'(h) "Pension Fund" means the Pension Fund established under sub-section (2) of section 3E;

(i) "Pension Scheme" means the Coal Mines Pension Scheme framed under sub-section (1) of section 3E;

(j) "superannuation", in relation to an employee who is a member of the Pension Scheme, means the attainment, by the said employee, of such age as is fixed in the contract or conditions of service as the age on the attainment of which such employee shall vacate the employment.'

4. *Substitution of references to certain expressions by certain other expressions.*— In the principal Act, for the expressions "Family Pension", "Family Pension Fund", "Family Pension Scheme" and "Coal Mines Family Pension Scheme", wherever they occur, the expressions "Pension", "Pension Fund", "Pension Scheme" and "Coal Mines Pension Scheme" shall respectively be substituted.

5. *Substitution of new section for section 3E.*— For section 3E of the principal Act, the following section shall be substituted, namely:—

“3E. *Coal Mines Pension Scheme.*— (1) The Central Government may, by notification in the Official Gazette, frame a scheme to be called the Coal Mines Pension Scheme for the purpose of providing for—

(a) superannuation pension, retiring pension or permanent total disablement pension to the persons employed in any coal mine or class of coal mines to which this Act applies; and

(b) widow or widower pension, children pension or orphan pension and life assurance benefits, payable to the beneficiaries of such employees.

(2) Notwithstanding anything contained in section 3, there shall be established, as soon as may be after framing of the Pension Scheme, a Pension Fund into which there shall be paid, from time to time, in respect of every employee who is a member of the Pension Scheme,—

(a) such sums, not exceeding one-fourth, of the amount payable to the Fund under sub-section (1) of section 10D as the employer's contribution as well as the employees' contribution, as may be specified in the Pension Scheme;

(b) such sums as the Central Government may, after due appropriation made by Parliament by law in this behalf, specify;

(c) the net assets of the Family Pension Fund as existed immediately before the establishment of the Pension Fund; and

(d) any other contribution which may be made to the Pension Fund with the previous approval of the Central Government.

(3) On the establishment of the Pension Fund, the Family Pension Scheme (hereinafter referred to as the ceased scheme) shall cease to operate and all assets of the ceased scheme shall vest in, and shall stand transferred to, and all liabilities under the ceased scheme shall be enforceable against, the Pension Fund and the beneficiaries under the ceased scheme shall be entitled to draw the benefits, not less than the benefits, they were entitled to under the ceased scheme, from the Pension Fund.

(4) The Pension Fund shall vest in and be administered by the Board in such manner as may be specified in the Pension Scheme.

(5) Any Scheme framed under the provisions of sub-section (1) may provide for all or any of the matters specified in the Second Schedule.”

6. *Substitution of new section for section 4.*— For section 4 of the principal Act, the following section shall be substituted, namely:—

“4. *Fund to be recognised under Act 43 of 1961.*— For the purposes of the Income-tax Act, 1961, the Fund shall be deemed to be a recognised Provident Fund within the meaning of Part A of the Fourth Schedule to that Act.”

7. *Amendment of section 10.*— In section 10 of the principal Act, in sub-section (2B),—

(a) for the words and figures “the Code of Criminal Procedure, 1898”, the words and figures “the Code of Criminal Procedure, 1973” shall be substituted; 5 of 1996  
2 of 1974

(b) for the word and figures “section 98”, the word and figures “section 94” shall be substituted.

8. *Amendment of section 11.*— In section 11 of the principal Act, for the words and figures “section 230 of the Indian Companies Act, 1913”, the words and figures “section 530 of the Companies Act, 1956” shall be substituted. 7 of 1913  
1 of 1956

9. *Substitution of new Schedule for the Second Schedule.*— For the Second Schedule to the principal Act, the following Schedule shall be substituted, namely:—

#### “ THE SECOND SCHEDULE

[See section 3E(5)]

#### MATTERS TO BE PROVIDED FOR IN THE COAL MINES PENSION SCHEME

1. The employees or class of employees to whom the Coal Mines Pension Scheme shall apply and the time within which option to join that scheme shall be exercised by those employees to whom the said scheme does not apply.

2. The time within which the employees who are not members of the Family Pension Scheme under section 3E as it stood before the commencement of the Coal Mines Provident Fund and Miscellaneous Provisions (Amendment) Second Ordinance, 1996 (hereinafter in this Schedule, referred to as the amending Ordinance) shall opt for the Pension Scheme.

3. The portion of employers' contribution and employees' contribution to the Fund which shall be credited to the Pension Fund and the manner in which it is credited.

4. The Central Government's contribution and other contributions to the Fund which shall be credited to the Pension Fund and the manner in which it is credited.

5. The minimum qualifying service for being eligible for pension and the manner in which the employees may be granted the benefits of their past service under section 3E as it stood before the commencement of the amending Ordinance.

6. The regulation of the period of service for which no contribution is received.

7. The manner in which employees' interest will be protected against default in payment of contribution by the employer.

8. The manner in which the accounts of the Pension Fund shall be kept and investment of moneys belonging to Pension Fund to be made subject to such pattern of investment as may be determined by the Central Government.

9. The form in which an employee shall furnish particulars about himself and the members of his family whenever required.

10. The forms, registers and records to be maintained in respect of employees required for the administration of the Pension Scheme.

11. The scale of pension and pensionary benefits and the conditions relating to grant of such benefits to the employees, the amount of life assurance payable under the Pension Scheme and the manner of such payment.

12. The mode of disbursement of pension and arrangements to be entered into with such disbursing agencies as may be specified for the purpose.

13. The manner in which the expenses incurred in connection with the administration of the Pension Scheme may be paid by the Central Government to the Board.

14. Nomination of persons for receiving pension and assurance amounts in the case of death of an employee.

15. Any other matter which is to be provided for in the Pension Scheme or which may be necessary or proper for the purpose of implementation of the Pension Scheme."

10. *Repeal and saving.*— (1) The Coal Mines Provident Fund and Miscellaneous Provisions (Amendment) Ordinance, 1996 is hereby repealed. Ord. 5 of 1996.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Ordinance.

SHANKER DAYAL SHARMA,  
President.

K. L. MOHANPURIA,  
Secy. to the Govt. of India.

Department of Personnel

Notification

1/47/2/76-PER(Vol. I)

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, and in supersession of the existing recruitment rules for the relevant posts, the Governor of Goa hereby makes the following rules to regulate the recruitment to

the Goa General Service, Group 'A' Gazetted post in the Directorate of Agriculture, Government of Goa, namely:—

1. *Short title, application and commencement.*— (1) These rules may be called the Government of Goa, Directorate of Agriculture, Group 'A' Gazetted post, Recruitment Rules, 1996.

(2) They shall apply to the posts specified in column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of their publication in the Official Gazette.

2. *Number, classification and scales of pay.*— The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in column 2 of the said Schedule from time to time subject to exigencies of work.

3. *Method of recruitment, age limit and other qualifications.*— The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the said Schedule.

4. *Disqualification.*— No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule:

5. *Power to relax.*— Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Goa Public Service Commission, relax any of the provision of these rules with respect to any class or category of persons.

6. *Saving.*— Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled castes, and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

7. These rules are issued in consultation with the Goa Public Service Commission vide their letter No. COM/II/13/2(2)/89 dated 25-4-1996.

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Joint Secretary (Personnel).

Panaji, 29th May, 1996.

## SCHEDULE

[illegible]

- (i) Holding analogous posts on regular basis  
OR  
(ii) With 4 years regular service in posts in the scale of Rs. 3000-5000 or equivalent  
OR  
(iii) With 5 years regular service in posts in the scale of Rs. 3000-4500 or equivalent  
AND  
(b) Possessing educational qualifications and experience prescribed for direct recruits under column (7).

Notification

1/9/74-PER (Vol. III)

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, and in supersession of the existing recruitment rules for the relevant posts, the Governor of Goa hereby makes the following rules to regulate the recruitment to the Goa General Service, Group 'A' Gazetted post, in the Town and Country Planning Department, namely:—

1. *Short title, application and commencement.*— (1) These rules may be called the Government of Goa, Town and Country Planning, Group 'A' Gazetted post, Recruitment Rules, 1996.

(2) They shall apply to the posts specified in column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of their publication in the Official Gazette.

2. *Number, classification and scales of pay.*— The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in column 2 of the said Schedule from time to time subject to exigencies of work.

3. *Method of recruitment, age limit and other qualifications.*— The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the said Schedule.

4. *Disqualification.*— No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. *Power to relax.*— Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Goa Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons.

6. *Saving.*— Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled castes, and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

7. These rules are issued in consultation with the Goa Public Service Commission vide their letter No. COM/H/13/50(1)96, dated 10-5-1996.

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Joint Secretary (Personnel).

Panaji, 29th May, 1996.

## SCHEDULE

1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13
Name/ Designation of posts	Number of posts	Classifi- cation	Scale of pay	Whether selection post or non- selection post	Age limit for direct recruits	Whether the benefit of added years of service is admissible under Rule 30 of CCS (Pen- sion) Rules, 1972	Educational and other qualifications required for direct recruits	Whether age & educational qualifications prescribed for the direct recruits will apply in the case of promotees.	Period of probation, if any	Method of recruitment, whether by direct recruitment or by promotion or by deputation/transfer contract and percentage of the vacancies to be filled by various methods	In case of recruitment by pro- motion/deputation/transfer, pro- motion/deputation/transfer is to be made	If a D. P. C. exists, what is its compo- sition	Circumstances in which Goa Public Service Commission is to be consulted in making recruitment
Chief Town Planner	1 (1996) Subject to variation depend- ent on workload.	Goa General Service Group 'A' Gazetted.	Rs. 3700- 125- 4700- 150- 5000	N. A.	Not exceeding 45 years (Relaxable for Gov- ernment servants upto 5 years in accor- dance with the instruc- tions or orders issued by the Govern- ment).	No	Essential: (i) Post-graduate Degree/ Diploma in Regional/Ur- ban/City/ Town Planning from a recognised University or equiva- lent. (ii) 10 years experience in a respon- sible posi- tion in Town Planning Depart- ment/ organisa- tion. (iii) Knowl- edge of Town Planning laws and Civic de- signs. (iv) Knowl- edge of Konkani.	Age: No. Educa- tional qualifica- tions: Yes	One year	By promotion fail- ing which by transfer on deputation and failing both by direct recruit- ment.	Promotion: Senior Town Planner with 4 years regular service in the grade. Transfer on depu- tation: Officers under the Central/State Governments and Union Ter- ritories. (a)(i) holding analogous posts on regu- lar basis. (ii) with 4 years regular service in posts in the scale of Rs. 3000-5000 or equivalent. (b) possessing the educational qualifications prescribed for direct recruits under column 7.	Group 'A' D. P. C. consisting of: (i) Chairman/ Member, Goa Public Service Commission — Chairman. (ii) Chief Secretary or his nominee — Member. (iii) Administra- tive Secretary — Member.	As required under the Goa Public Service Commis- sion (Exemption from Consulta- tion) Regulations, 1988. Consulta- tion with the Goa Public Service Commission is necessary for making direct re- cruitments, pro- motions and con- firmation and for amending/relax- ing any of the pro- visions of these rules.

*Note:* In case of non-availability of suitable candidate with knowledge of Konkani, this requirement can be relaxed.

*Desirable:* (i) Fellowship of the Institute of Town Planning (India) or equivalent membership of any professional institute.

(ii) Degree or Diploma in Architecture/Civil Engineering from a recognised University or equivalent.

(iii) Knowledge of Marathi.

# Errata

In the page headings of the Official Gazette, Series I No. 13 dated 27-6-96 the words and figures "Series III No. 13" wherever they are printed may be read as "Series I No. 13".

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